

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTHONY SHAQUILLE HARRIS,

Defendant.

4:15-CR-3024

ORDER

This matter is before the Court on the defendant's renewed motion ([filing 155](#)) under [Fed. R. Crim. P. 41\(g\)](#) for the return of approximately \$1,300 seized from the apartment where he was arrested. That motion will be denied.

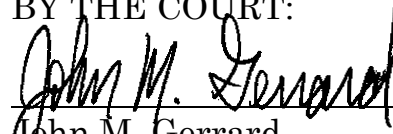
The Court previously indicated that it was willing to accept that the defendant was in possession of the property found in the apartment. *See* [filing 153](#). But, the Court said, in order to have the money returned, he would need to support a motion for return of property with evidence in the form of a sworn statement or declaration under penalty of perjury. *See* [28 U.S.C. § 1746](#).

He hasn't done so. His motion, to be sure, says the money was his, and contains a statement that "under the penalty of perjury, the aforementioned is true and correct." [Filing 155 at 2](#). But he didn't actually *sign* the document—and without a signature, § 1746 is unsatisfied. *See* [Banks v. Deere](#), 829 F.3d 661, 668 (8th Cir. 2016); [Elder-Keep v. Aksamit](#), 460 F.3d 979, 984 (8th Cir. 2006). So there is still no evidence supporting his motion. Accordingly,

IT IS ORDERED that Harris' renewed motion for return of seized property ([filing 155](#)) is denied.

Dated this 3rd day of March, 2021.

BY THE COURT:



John M. Gerrard
Chief United States District Judge